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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 GUSTAVO REYES and MARIA TERESA
13 GUERRERO, husband and wife, individually
and on behalf of others similarly situated,

14 Plaintiffs,

15 vs.

16 WELLS FARGO BANK, N.A., a national
bank; and DOES 1-100, inclusive,

17 Defendants.
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Case No.: 3:10-cv-01667-JCS

**STIPULATION AND ~~[PROPOSED]~~ ORDER
RE: COURT-ORDERED MEDIATION**

Judge: The Hon. Joseph C. Spero
Complaint Filed: Mar. 11, 2010
Trial Date: (not yet set)

19 WHEREAS, on August 29, 2010, this Court ordered plaintiffs Gustavo Reyes and Maria
20 Teresa Guerrero and defendant Wells Fargo Bank, N.A., to mediate this case pursuant to Local
21 Rule 6; and

22 WHEREAS, the parties agreed to schedule the mediation before the court-appointed
23 mediator; and

24 WHEREAS, the parties subsequently agreed to conduct a mediation before a private
25 mediator, namely, Hon. Ronald M. Sabraw (Ret.) of JAMS, in lieu of the court-appointed
26 mediation procedure; and

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1 WHEREAS, the parties previously submitted a stipulation and proposed order to the Court
2 informing the Court of their decision to mediate before Retired Judge Sabraw and requesting a
3 continuance of the schedule for class certification; and

4 WHEREAS, the Court entered the proposed order on December 21, 2011 directing the
5 parties to mediate as they had agreed; and

6 WHEREAS, the parties held the agreed-upon mediation before Retired Judge Sabraw on
7 February 16, 2012; and

8 WHEREAS, the parties believe that the mediation before Retired Judge Sabraw was
9 productive and resulted in progress toward settlement, though they have not yet reached a final
10 resolution; and

11 WHEREAS, the parties believe that their mediation before Retired Judge Sabraw
12 constituted satisfaction of their agreement to mediate this matter, and that court-appointed
13 mediation is unnecessary;

14 WHEREFORE, the parties agree and hereby stipulate as follows:

- 15 1. That the February 16, 2012 mediation session satisfied their obligation to mediate
16 this case pursuant to the Court's August 29, 2010 order; and

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2. That mediation before the court-appointed mediator is unnecessary in light of the parties' February 16, 2012 mediation.

This stipulation is without prejudice to the rights, claims, defenses and arguments of all parties.

DATED: February 29, 2012

LAW OFFICES OF PETER B. FREDMAN
LAW OFFICES OF DAVID PIVOTRAK

By: /S/ Peter B. Fredman
Peter B. Fredman
Attorneys for Plaintiffs

DATED: February 29, 2012

SEVERSON & WERSON
A Professional Corporation

By: /S/ Michael J. Steiner
Michael J. Steiner

Attorneys for Defendant
WELLS FARGO BANK, N.A.

PURSUANT TO THE STIPULATION,

IT IS ORDERED that the parties have satisfied their obligation to mediate this case pursuant to the Court's August 29, 2010 order, and that the Court hereby VACATES its previous referral to court-appointed mediation.

Date: March 1, 2012

